

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ZACHARY SMITH,)
)
)
Plaintiff,)
)
)
v.) Docket No. 1:18-cv-288-NT
)
JOSEPH FITZPATRICK, et al.,)
)
)
Defendants.)

**ORDER ON JOINT MOTION TO DISMISS DEFENDANT JOSEPH
FITZPATRICK**

Plaintiff Zachary Smith and Defendant Joseph Fitzpatrick, in his official capacity as Commissioner of the Maine Department of Corrections (together, the “**parties**”), have filed a joint motion to dismiss this action as to Defendant Fitzpatrick. (ECF No. 31.) In light of the parties’ motion, I hereby **ORDER** that this action is dismissed without prejudice as to Defendant Fitzpatrick in accordance with the parties’ settlement agreement (ECF No. 30), the terms of which are incorporated herein. In entering this order I make no findings regarding the subject matter of the Plaintiff’s Complaint or motion for a preliminary injunction.

SO ORDERED.

/s/ Nancy Torresen
United States Chief District Judge

Dated this 1st day of October, 2018.